

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 873
93RD GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety May 3, 2006 with recommendation that House Committee Substitute for Senate Bill No. 873 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3944L.03C

AN ACT

To repeal section 43.530, RSMo, and to enact in lieu thereof three new sections relating to criminal background checks.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 43.530, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 26.142, 43.530, and 43.546, to read as follows:

26.142. 1. The Missouri state highway patrol, at the direction of the governor, shall conduct name or fingerprint background investigations of gubernatorial appointees who are subject to confirmation by the senate. The governor's directive shall state whether the background investigation shall be a name background investigation or a fingerprint background investigation.

2. In order to facilitate a fingerprint background investigation under subsection 1 of this section, and in accordance with the provisions of section 43.543, RSMo, the appointee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless alternately arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of Investigations for a national criminal background check. Any background investigation conducted at the direction of the governor under subsection 1 of this section may include criminal history record information and other source information obtained by the highway

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **patrol. Information received by the state highway patrol under this section shall be**
16 **confidential and shall not be disclosed except to the governor or members of the governor's**
17 **staff as necessary to determine the appointee's qualifications.**

43.530. 1. For each request requiring the payment of a fee received by the central
2 repository, the requesting entity shall pay a fee of not more than [five] **nine** dollars per request
3 for criminal history record information not based on a fingerprint search [when the requesting
4 entity is required to obtain such information by any provision of state or federal law and pay a
5 fee of not more than fourteen dollars per request for criminal history record information based
6 on a fingerprint search when the requesting entity is required to obtain such information by any
7 provision of state or federal law; provided that, when the requesting entity is not required to
8 obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars
9 per request for criminal history record information not based on a fingerprint search and] . **In**
10 **each year beginning on or after January 1, 2007, the central repository, in its discretion,**
11 **may increase the fee paid by the requesting entity by an amount not to exceed one dollar**
12 **per year, however, under no circumstance shall the fee paid by the requesting entity exceed**
13 **fifteen dollars per request.**

14 2. For each request requiring the payment of a fee received by the central
15 **repository, the requesting entity shall** pay a fee of not more than [twenty] **fifteen** dollars per
16 request for criminal history record information based on a fingerprint search. [Each such
17 request]

18 3. A request made under subsections 1 or 2 of this section shall be limited to check
19 and search on one individual. Each request shall be accompanied by a check, warrant, voucher,
20 money order, or electronic payment payable to the state of Missouri-criminal record system or
21 payment shall be made in a manner approved by the highway patrol. The highway patrol may
22 establish procedures for receiving requests for criminal history record information for
23 classification and search for fingerprints, from courts and other entities, and for the payment of
24 such requests. There is hereby established by the treasurer of the state of Missouri a fund to be
25 entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section
26 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not
27 totally expended annually for the purposes set forth in sections 43.500 to 43.543, the unexpended
28 moneys in such fund shall remain in the fund and the balance shall be kept in the fund to
29 accumulate from year to year.

43.546. 1. Any state agency may require the fingerprinting of applicants in
2 specified occupations within the state agency for the purposes of positive identification and
3 receiving criminal history record information when determining an applicant's ability or
4 fitness to serve in such an occupation.

5 **2. In order to facilitate the criminal background check under subsection 1 of this**
6 **section on any person employed by a state agency, and in accordance with section 43.543,**
7 **RSMo, the applicant or employee shall submit a set of fingerprints collected under the**
8 **standards determined by the Missouri highway patrol. The fingerprints and**
9 **accompanying fees, unless alternately arranged, shall be forwarded to the highway patrol**
10 **to be used to search the state criminal history repository and the fingerprints shall be**
11 **forwarded to the Federal Bureau of Investigations for a national criminal background**
12 **check. Notwithstanding the provisions of section 610.120, RSMo, all records related to any**
13 **criminal history information discovered shall be accessible and available to the state**
14 **agency making the request.**

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Bill

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